

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

LLS AMERICA, LLC,

Debtor,

BRUCE P. KRIEGMAN, solely in his capacity as court-appointed Chapter 11 Trustee for LLS America, LLC,

Plaintiff,

v.

WARREN MCKEAN,

Defendant.

NO: CV-12-443-RMP

Bankr. Case No. 09-06194-PCW11

Adv. Proc. No. 11-80188

DEFAULT JUDGMENT

THIS MATTER came on consideration upon the Motion of Plaintiff for

Entry of Default and Judgment against Defendant Warren McKean, and it

appearing from the file and records of this Court in this cause that the default

judgment (Bkcy. Dkt. No. 14) entered by the Bankruptcy Court should be deemed

1 proposed findings of fact and conclusions of law, and that entering final default
2 judgment in conformity with the default judgment entered by the Bankruptcy Court
3 is appropriate,

4 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the
5 Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11
6 Trustee for LLS America, LLC, shall have a judgment against the Defendant,
7 Warren McKean, as follows:

8 1. Monetary Judgment in the amount of CAD \$122,500.00, USD, pursuant
9 to 11 U.S.C. § 550 and RCW 19.40.071;

10 2. Transfers in the amount of \$122,500.00 USD made to the Defendant
11 within four years prior to the Petition Filing Date are hereby avoided and Plaintiff
12 may take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544,
13 550, 551 and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW 19.40.071;

14 3. All said transfers to Defendant are hereby set aside and Plaintiff shall be
15 entitled to recover the same, or the value thereof, from Defendant for the benefit of
16 the estate of LLS America, pursuant to 11 U.S.C. §§ 544, 550 and 551;

17 4. Defendant has not filed a proof of claim in Debtor's bankruptcy
18 proceeding;

19 5. A constructive trust is hereby established over the proceeds of all transfers
20 in favor of the Trustee for the benefit of the estate of LLS America; and

1 6. Plaintiff is hereby awarded costs (i.e. filing fees) in the amount of \$250.00
2 USD, for a total judgment of \$122,750.00 USD, which shall bear interest equal to
3 the weekly average of one-year constant maturity (nominal) treasury yield as
4 published by the Federal Reserve System.

5 The District Court Clerk is directed to enter this Order, enter judgment as
6 outlined above, and provide copies to counsel and to Judge Patricia Williams.

7 DATED this 31st day of October 2012.

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11 *s/ Rosanna Malouf Peterson*
12 ROSANNA MALOUF PETERSON
13 Chief United States District Court Judge
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